

**Office of the Attorney General
State of LOUISIANA**

**Opinion No. 85-354
April 30, 1985**

1-A-1--Advertising

22-1--Drainage & Drainage Districts

73-A--Notice Requirements

90-B-4--Public Meetings; state & local governing bodies

Substance of both "new and old business" must be stated in notice for upcoming meeting under Open Meetings Law. The secretary must prepare minutes with sufficient detail to inform the public of the nature of action to be taken by or upon the Board.

**Ms. Ann Jones, Member
Board of Commissioners
Amite River Basin Drainage and Water Conservation District
Route 1, Box 334
Clinton, LOUISIANA 70722**

Dear Ms. Jones:

You have supplied this office with a copy of the proposed agenda for the May 1, 1985 meeting of the Board of Commissioners of the Amite River Basin Drainage and Water Conservation District. You question whether the items entitled "3. New Business" and "4. Old Business" give sufficient detail to comply with the Open Meetings Law, R.S. 42:4.1 et seq.

R.S. 42:4.1 provides as follows:

"It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of R.S. 42:4.1 through R.S. 42:10 shall be construed liberally."

R.S. 42:7 requires that a public body such as the Board shall give written public notice of its proposed agenda. In our opinion, the Open Meetings Law requires that the substance of each item under "new business" and "old business" must be stated in order to put interested persons on notice of what the proposed proceedings of the Board are. It should be noted that a two-thirds vote of the members present at a meeting is required in order that a public body take up an item which is not on the agenda. We do not believe that the liberal interpretation policy enunciated by the Legislature is complied

with when a public body gives such an abbreviated statement of its proposed agenda. If the Legislature had intended that such notice would be sufficient, then it would not have been necessary to require the two thirds vote to change the agenda as "New business" and "Old business" would be sufficient to cover all businesses of the Board.

As to the second issue posed by you, the provisions of R.S. 42:7.1 require that public bodies shall keep written minutes of all meetings which shall be inclusive of the substance of all matters decided. Accordingly, it is mandatory that the board secretary shall prepare minutes with sufficient detail to inform the public of the nature of the actions taken or deliberated upon by the Board. Also, the minutes must be published in the Board's official journal. (R.S. 38:3306; R.S. 43:171)

Enforcement proceedings are available to the Attorney General, the District Attorney, or any interested person who may institute civil proceedings and require any public body to abide by the "Open Meetings Law" and when failing to do so, be subject to fine and/or imprisonment for contempt of court.

Very truly yours,

William J. Guste, Jr.
Attorney General

BY: Kenneth C. DeJean
Chief Counsel
La. Atty. Gen. Op. No. 85-354
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